

Serial No.: 10/664,345
Docket No.: GP-302959

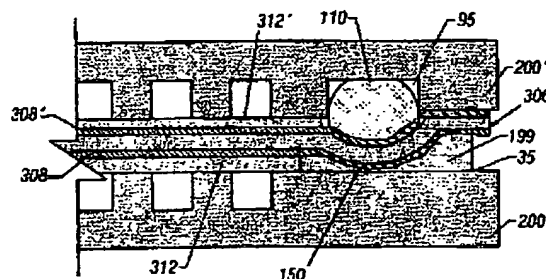
Remarks

By this response, claims 21, 23, and 40 have been canceled, and claims 22, 32, 38 and 39 have been amended. As support for the amendments is provided for by the specification and figures, no new matter has been entered. Claims 1-20 were previously canceled. Accordingly, claims 22 and 24-39 are pending in this application.

In the Office Action, claims 23 and 40 were objected to for the noted informalities, and claim 21 was rejected as being indefinite. These claims have been canceled.

In the Office Action, claims 21-26, 32, 39 and 40 were rejected as anticipated by, and alternatively unpatentable over, Matlock et al., US 6,261,711 B1. Additionally, claims 2-31, 33 and 34 were rejected as obvious in view of Matlock et al., and claims 35-38 were rejected as obvious over Matlock et al. in view of Benz et al., US 6,408,966 B1.

Matlock et al. teach that "[a] fluid tight seal also can be formed between the groove of the cathode fluid flow plate, the gasket, the MEA (including the catalysts), the compressible insulator, and the surface of the anode fluid flow plate." See col. 5, lines 61-64. Accordingly, as taught by Matlock et al., in some locations of the PEM-type cell the following arrangement may be provided:



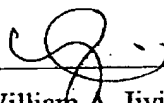
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Therefore, Matlock et al. fail to teach or suggested that the surface areas of the catalyst layers 308, 308' in contact with the ionomer 306 are sized **entirely** by gaskets 110 and 199. Furthermore, Matlock et al. fail to teach or suggest that gaskets 110 and 199 are **interposed between** the electrolyte 306 and the diffusion layers 312 and 312'. Independent claims 22 and 39 have been amended to recite, *inter alia*, that the "surface areas of said catalyst layers in contact with said ionomer are sized entirely by gaskets interposed between said electrolyte and said diffusion layers." Support is provided by the specification in paragraph [0030], and by FIG. 2. Accordingly, each and every feature recited by the claimed invention is neither disclosed nor suggested by Matlock et al. Benz et al. is cited for teaching a vehicle comprising an electric drive system driven by a fuel cell system. Accordingly, the teachings of Benz et al. do not cure the above noted deficiencies in Matlock et al., and as such the combined teachings of these references would fail to teach or suggest the recited invention of the amended claims.

In view of the above remarks and amendments, the Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

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Respectfully submitted,
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